

REMARKS

35 U.S.C. § 102:

Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tobita (U.S. Patent No. 5,801,412).

The Examiner points to col. 11, lines 40-49 of Tobita and contends that a decoupling capacitor is formed by connecting electrode nodes VA and VB to a power supply node and a ground line. The Examiner then asserts that there is a “region” that overlaps the diffusion region, which is located outside of the decoupling capacitor. (See section 5, page 5 of the Office Action.)

The undersigned attorney contacted the Examiner on November 3, 2005 to obtain a better understanding of his position and thanks the Examiner for courtesies extended during this teleconference. The Examiner explained that he is interpreting the decoupling capacitor of Tobita as being defined by the area between the nodes VA and VB. Therefore, the Examiner asserts that there is a “region” in Tobita that overlaps the diffusion layer 2d-2i that is located outside of the decoupling capacitor area.

The Examiner requested that the claimed “region” be further defined. Therefore, as discussed with the Examiner, claims 1 and 3 are amended to recite that all of said decoupling capacitor does not overlap said diffusion layer. The decoupling capacitor of Tobita does overlap the diffusion layer and does not disclose the claimed features.

Accordingly, Tobita does not disclose the unique combination of features recited in claims 1 and 3, such that the rejection thereof under 35 U.S.C. § 102(b) should be withdrawn.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/669,655

Attorney Docket # Q77597

The rejection of dependent claims 2 and 4-12 should likewise be withdrawn at least by virtue of these claims respectively depending from claims 1 and 3.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

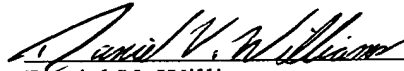
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